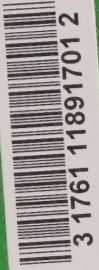


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A GUIDE TO MINISTRY OF THE ENVIRONMENT APPROVAL REQUIREMENTS



ENVIRONMENTAL APPROVALS BRANCH

January 1977



Ontario

Ministry
of the
Environment

The Honourable
Harry C. Parrott, D.D.S.,
Minister

K.H. Sharpe,
Deputy Minister



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A GUIDE
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MINISTRY OF THE ENVIRONMENT
APPROVAL REQUIREMENTS

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ENVIRONMENTAL APPROVALS BRANCH
MINISTRY OF THE ENVIRONMENT

JANUARY 1977



TABLE OF CONTENTS

	<u>Page</u>
PREFACE	1
ORGANIZATION OF THE GUIDE	2
INTRODUCTORY EXPLANATIONS	2
(I) EXPLANATORY COMMENTS	3
(II) PRELIMINARY AND EXPERIMENTAL APPROVALS ..	5
(III) ENVIRONMENTAL APPROVALS BRANCH	6
(IV) QUASI-APPROVALS	8
(V) EXAMPLES OF APPROVALS REQUIREMENTS	8
FIGURE I	12
APPENDIX A	13



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PREFACE

This guide is not intended to be a manual on how to obtain an approval. It was designed mainly as an information document for planners outside of the Ministry of the Environment (but within the Government) to introduce them to the formal approvals needed to satisfy MOE requirements. For detailed technical considerations, consult both the relevant Acts or Regulations and the Branches involved in the issuance of specific approvals.

ORGANIZATION OF THE GUIDE

This guide consists of the following three sections:

- (1) The Introductory Explanations - will serve to introduce the reader to what approvals are required by the Ministry of the Environment. Topics such as The Environmental Assessment Act, preliminary and experimental approvals, Environmental Approvals Branch organization and quasi-approvals are discussed while an example shows what kind of approvals might be needed in an industrial operation.
- (2) The Approvals Matrix (Figure 1) - diagrammatically relates the agency of issue within the Ministry of the Environment to the particular Permit, Licence or Certificate of Approval (including the Provisional Certificate of Approval).
- (3) Appendix A - has a brief description of each permit, licence and approval under the headings of Type, Legislative Authority, Purpose Time Valid, Standards, Approvals Process, Inter-relations, Appeals and other descriptors where circumstances dictate more information.

INTRODUCTORY EXPLANATIONS

The Ministry of the Environment through four pieces of legislation (The Ontario Water Resources Act, The Environmental Protection Act, The Pesticides Act and The Environmental Assessment Act) has been given the right to examine and approve (or disapprove) processes which either emit or deposit substances into the environment. The newest piece of legislation, The Environmental Assessment Act, will subject the proponents of undertakings designated by it to preparing an environmental assessment. The E.A. Act represents a new type of strategy in Environmental Management in that it is

preventative rather than after the fact. It forces an integrated consideration at an early stage of the entire complex of environmental effects which might be generated by the project. The content of an environmental assessment is contained in Section 5 of the E.A. Act (briefly, it consists of a project description (including alternatives), an environmental inventory, impact prediction and evaluation).

(I) EXPLANATORY COMMENTS

It is worth noting that The Environmental Assessment Act in Section 6(1) specifically states that any "licence, permit, approval permission or consent that is required under statute, regulation, by-law or other requirement of the Province of Ontario, an agency thereof, a municipality or regulatory authority shall not be issued" until:

- (i) "the environmental assessment has been submitted to and accepted by the Minister" and,
- (ii) "the Minister has given approval to proceed with the undertaking".

In other words, for designated undertakings, The Environmental Assessment Act approvals will come before approvals under other Acts. For the record, it should be noted that The Environmental Assessment Act was proclaimed on October 20, 1976.

In operational terms, this will mean that all technical approvals will come after the acceptance of the environmental assessment and the approval to proceed with an undertaking have been obtained. It should not be interpreted that all applications for licences, permits and approvals are to be directed to the Environmental Assessment Section of the Environmental Approvals Branch.

With new projects, the need to obtain specific "technical approvals" may be made a condition of the approval to proceed with an undertaking. In the case where the project presently exists, the renewal of licences and permits should only proceed if a review indicates that the present and future operation are not substantially different from the original application. Where an alteration changes the original proposal materially, provisions of The Environmental Assessment Act may have to be met. It is anticipated that the exemptions and designating regulations will help clarify this Act's application to expansions or modifications of existing operations.

The application of The Environmental Assessment Act is to both the private and public sectors. Section 3 says the Act applies to:

- (a) "enterprises or activities or proposals, plans or programs in respect of enterprises or activities by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities on and after the day this Act comes into force;
- (b) only on and after a day to be named in a proclamation of the Lieutenant Governor, major commercial or business enterprises or activities or proposals, plans or programs in respect of major commercial or business enterprises or activities of a person or persons, other than a person referred to in Clause A, designated by Regulations."

Within the public sector, the Act will be applied first to Ontario Government ministries and agencies and later to municipalities and other public bodies. Unless specifically exempted by regulation or exemption order (both individual and classes of undertakings), it would be best to assume that The Environmental Assessment Act will apply. Lists of exempted undertakings have been compiled and will be

available from the Environmental Assessment Section of the Environmental Approvals Branch (Regulations are also available). Incidentally, the Regulation and the exemption orders can be found, respectively, in the Ontario Gazette, November 6 and November 13, 1976. Work regarding designation of municipal undertakings is still in the committee stage and recommendations and implementation for this sector are not expected until mid 1977.

In the private sector, details regarding the application of The Environmental Assessment Act are also in the discussion stage. If circumstances arise that put in jeopardy the purpose of The Environmental Assessment Act as stated in Section 2 ("the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the Environment"), the Premier is on record as having stated that the Act would be proclaimed in force for the private sector with designating regulations for the specific enterprise.

(II) PRELIMINARY AND EXPERIMENTAL APPROVALS

To complete the package, it may be helpful to point out that Preliminary and Experimental Approvals (description follows) may be issued under both The Environmental Protection Act and The Ontario Water Resources Act.

Preliminary Approval

These are usually made in conjunction with sewage works particularly when an approval in principle is given. It is advisable to follow this route if the scheme involves expenditure of funds which must be approved by the Ontario Municipal Board (a Preliminary Certificate of Approval may

be requested by the Board in its consideration of such expenditures).

It should be pointed out that the issuance of a Preliminary Certificate of Approval does not fulfill all requirements, and application for final approval must be made when plans and specifications are completed.

Experimental Approval

To encourage the development of new processes and equipment where reliable operating data from full-scale installations are not available, experimental approvals may be granted in the form of terms and conditions to a final Certificate of Approval.

The risk incurred in experimentation with new treatment methods must rest with the proponent of the method. To qualify for an experimental approval, it must be shown that: failure of the experiment will not result in serious pollution or hazard to public health; the experimental plant or unit could be modified to a conventional installation if necessary; and capital resources are available to assure that any required conversion could be made.

In granting such experimental approvals, the Ministry reserves the right to limit the number of approvals for the same method of treatment and may require the owner to submit reports on the operation of the plant during the experimental period.

(III) ENVIRONMENTAL APPROVALS BRANCH

A look at the matrix will show that three different sections of the Environmental Approvals Branch can issue the same approvals. This is not a mistake but rather a result of our organizational structure which differentiates between industrial enterprises (handled by the Industrial Approvals

Section) and sewage and water works schemes (handled by both the Municipal & Private Approvals and Design & Equipment Sections). Although each of these areas have their own characteristics, they must sometimes face similar problems. For example, when an industry cannot take water from a municipal network or discharge into a sanitary sewer, plans must be submitted to cover the construction of such facilities. Since the Industrial Approvals Section already deals with the client with respect to industrial wastes (whether solid, liquid, gaseous, etc.), it seemed reasonable that they should take care of the applicant's needs with respect to the construction of potable water supply or the treatment of sanitary wastes. Similarly, when the Municipal & Private Approvals or Design & Equipment Sections handle their client's needs with respect to sewage and water works approvals, they also take care of the client's needs with respect to approval for facilities that emit contaminants to the air. In this fashion, the client does not have to go shopping from one Section to another to obtain the necessary approvals.

To clear the picture, further explanation should be submitted as to why two groups (Municipal & Private Approvals and Design & Equipment Sections) primarily handle approvals for sewage and waterworks. The reason has to do with the method by which projects are funded. Since the Province is in effect the owner of works funded by it, more stringent rules are applied to equipment selection (also because of the ownership issue, the Province may want to exercise its right to direct the consultant on the design of the facility). Water and sewage works funded by the Province are handled by the Design & Equipment Section whereas those that are funded by municipalities or privately are handled by the Municipal & Private Approvals Section. This, of course, does not mean that the final performance characteristics of works funded by the Municipal or Private Sectors is

in any way compromised. Regardless of the method of funding, the works must meet Ministry standards. In municipal and privately funded works, the design and equipment aspects are usually handled by consultants.

(IV) QUASI-APPROVALS

A second matrix is in the process of being prepared which will relate the quasi-approval function to the parts of the Ministry that may respond to these issues. For those who are not familiar with the term quasi-approval - it has been defined as an approval, advice or recommendation on technical policy aspects within the competence of the Ministry, which is used as input into the decision-making process of the Ministry of the Environment, another Ministry or group, having the ultimate responsibility for an approval. This information shall be available in the near future.

(V) EXAMPLES OF APPROVALS REQUIREMENTS

For discussion purposes, it may be useful to indicate what approvals (in addition to those needed to fulfill the provisions of The Environmental Assessment Act) might be needed to cover an industrial operation. The approach that would be useful would be to study each proposal under the headings listed below.

(i) Sewage and Water

Applications from industry for the approval of plans for the proposed treatment and control works, where liquid effluents from such facilities are discharged to watercourses, storm sewers and to the surface of the land are reviewed. Sanitary wastes from such industrial operations are also considered in such applications. Certificates of Approval are subsequently issued under the terms of Section 42 of The Ontario Water Resources Act (see Appendix A under the Industrial Approvals Section).

In the case where an industry discharges industrial wastes to a sanitary sewer - a specific approval is not needed from the Ministry of the Environment. The client industry does, however, need approval from the owner (whether it be the municipality or MOE) into whose sanitary sewers it is discharging.

The Industrial Approvals Section of the Environmental Approvals Branch will act as an advisor in conjunction with the municipality for any voluntarily submitted applications covering discharges to sanitary sewers. If the industrial wastes are instrumental in causing the effluent from a sewage plant to be unacceptable, the Ministry of the Environment will come back on the municipality who will in turn exert pressure on the client through their sewer-use by-law.

If water is not available from a municipal network, a permit to take water may be necessary. For specific information, consult Appendix A under Permits To Take Water. When an industry finds that it cannot take water from a municipal network and needs to construct its own potable water supply system, then under Section 41 of The Ontario Water Resources Act, the industry must submit an application to the Industrial Approvals Section and receive a Certificate of Approval for the potable water treatment system.

(ii) Air

When an industry proposes to establish or expand an existing manufacturing operation that results in an emission being vented to the environment, plans to control or prevent the discharge must be submitted for review under Section 8 of The Environmental Protection Act, 1971. Incidentally, the same rule applies to processes that are not industrial (i.e. in the case of sewage works where equipment such as gas burners, open

aeration tanks, sludge burners, chlorine storage facilities, diesel engine standby units, etc. are used, an Air Certificate of Approval must be obtained).

If a review indicates that the standards for the emission (listed in Regulation 15, Revised Regulations of Ontario, 1970) are likely to be met, a Certificate of Approval is issued to the industry or process (see Appendix A under the Industrial Approvals Section).

(iii) Solid Waste

Applications from industry for waste disposal sites are considered under Section 31 of the E.P. Act and if found satisfactory, Certificates of Approvals are issued (see Appendix A under the Industrial Approvals Section). Applications for Municipal and Private operated Waste Disposal Sites and Waste Management Systems are handled by the Municipal and Private Approvals Section. Certificates of Approval (and Provisional Certificates of Approval) may be used to sites and systems which are capable of or are being operated in accordance with Part V of the E.P. Act and Regulation 824.

(iv) Miscellaneous

Problems of noise and off-property odours are assessed when applications under Section 8 of the E.P. Act are received. As such, a specific approval for situations involving noise is not usually issued. If the Industrial Approvals Section is in agreement with the process or equipment that has been proposed to control noise, a letter of concurrence will be issued.

Situations involving the control and use of pesticides are covered in The Pesticides Act, 1973 and Regulation 618/74. See Appendix A and both The Pesticides Act, 1973 and Regulations 618/74 for specific details.

Almost every process has by-products that involve components that may be designated as solid, liquid or gaseous. When these are identified, technical applications covering the treatment and disposition of such components must be made and certification (in the form of a permit or an approval) must be received before such works are built and operated. Generally speaking, the same approach could be taken for projects in the public (including municipal) sector. Keep in mind that undertakings in the public and private sectors may be subject to the provisions of The Environmental Assessment Act and, as such, approval and acceptance under this Act must be obtained before any technical approval can be obtained. As stated previously, conditions of acceptance and the approval under The Environmental Assessment Act will probably include a statement outlining what technical approvals must be obtained.

A P P E N D I X A

Figure 1

A P P R O V A L S M A T R I X

B R A N C H / S E C T I O N

Environmental Approvals Branch *Environmental Assessment Section Industrial Approvals Section Design & Equipment Selection Section Municipal & Private Approvals Section					Approval to proceed with an undertaking.
					Acceptance of the environmental assessment
	X	X	X		Approval for Water Works
	X	X	X		Approval for Sewage Works
			X		Approval for Waste Disposal Sites & Waste Management Systems
Pollution Control Branch Pesticides Control Section			X		Licences for installers of septic tanks, tile fields & haulers of sewage
	X				Approval covering facilities for the collection, transportation, treatment & disposal of industrial wastes.
	X	X	X		Approval covering construction and operation of any Stationary facility or thing which may emit contaminants into the air.
	X				Approval covering industrial applications for land disposal sites & Waste Management Systems
			X		Permits for Pesticides Control
**Regional Operations Technical Support Section			X		Licences for Pesticides Control
			X		Permit for Aquatic Nuisance Control
				X	Approval for the construction (& alteration) of Private Sewage Disposal Systems
				X	Permits to take Water
				X	Licence for Water Well Drillers and Borers
<p>*Actual approvals are issued either by the Minister of the Environment or by the Environmental Assessment Board.</p> <p>**Approval for the construction of private sewage disposal systems are issued either by the MOE Regional Office or the Local Health Unit (depends on the class of system involved).</p>					

E N V I R O N M E N T A L A P P R O V A L S B R A N C H

Environmental Assessment Section

1. TYPE:

Two approvals are involved:

- (a) Acceptance by the Minister of the Environment or the Environmental Assessment Board of the environmental assessment submitted by the proponent; and
- (b) Approval by the Minister with concurrence of Cabinet, or by the Environmental Assessment Board to proceed with the undertaking with or without conditions.

2. LEGISLATIVE AUTHORITY: EA Act, 1975

3. PURPOSE:

- To identify and evaluate all potentially significant environmental effects of proposed undertakings at a stage when alternative solutions, including remedial measures and the alternative of not proceeding, are available to decision-makers;
- To ensure that the proponent of an undertaking and Governments and agencies required to approve the undertaking give due consideration to the means of avoiding or mitigating any adverse environmental effects prior to granting any approval to proceed with an undertaking.

4. TIME VALID: For the time period specified in the approval.

5. STANDARDS:

No regulations, but guidelines on the content of an EA are being prepared. Guidelines for various classes of projects will be issued from time to time. The proponent is required to include in an environmental assessment on evaluation of the advantages and disadvantages to the environment (natural, social, economic) of the undertaking and the alternatives considered.

6. APPROVALS PROCESS:

The proponent of any public sector undertaking not exempted from the Act by Minister's Order under Section 30 or by Regulation, or the proponent of any private sector undertaking designated in the Regulations must submit an environmental assessment (contents of an environmental assessment are defined in subsection 5(3), The Environmental Assessment Act, 1975) of the undertaking. The proponent cannot proceed with the undertaking until: first, the environmental assessment has been accepted; and second, approval to proceed has been granted. The Minister of the Environment must prepare a review of the environmental assessment. Both the environmental assessment and the review become public information. Either the Minister of the Environment or a member of the public may require the Environmental Assessment Board (EAB) to hold a hearing. Where the EAB holds a hearing, it decides all remaining matters. Where no hearing is held, acceptance of the environmental assessment is by the Minister of the Environment and approval to proceed is granted by the Minister, subject to

the approval of Cabinet. For designated undertakings, no approval may be obtained under any other Provincial or Municipal statute or by-law until approval has been obtained under The Environmental Assessment Act. This includes licences, permits, loans, guarantees of loans, etc.

7. INTER-RELATIONS:

An environmental assessment will not be limited to the consideration of effects on the natural environment, but will also assess social, cultural and economic aspects. Jurisdictional responsibility for many of these issues, and the expertise required for review of many EA's will not be within the Environmental Approvals Branch or the Ministry of the Environment. Therefore, the process for preparation of the review will include consultation with other Government agencies. The Environmental Assessment Section has primary responsibility for the co-ordination of the review process and the preparation of the review.

8. APPEALS:

A decision by the Minister, with the approval of Cabinet is final.

A decision of the EAB is final unless within 28 days, or a longer period stated by the Minister of the Environment, the Cabinet varies the decision, substitutes a new decision, or requires a new hearing (Section 24 of The Environmental Assessment Act).

E N V I R O N M E N T A L A P P R O V A L S B R A N C H

Industrial Approvals Section

1. TYPE: Certificate of Approval covering facilities for the collection, transmission, treatment and disposal of liquid industrial wastes.
2. LEGISLATIVE AUTHORITY: OWRA (Sewage), Section 42:
 - a) Does not cover pre-treated waste flows to municipal sanitary sewers;
 - b) Does not cover a closed recycle system. (NOTE: applications for wastewater handling systems are reviewed by IAS. If it is determined that a true closed system is being proposed (i.e. no bleed-off, or effluent-release), than a "letter of concurrence" rather than a Certificate is issued); and
 - c) Does not cover normal farm operations.
3. PURPOSE: To ensure that the equipment and processes to be used for the treatment and control of liquid industrial wastes are adequate to achieve water quality objectives in the receiving water.
4. TIME VALID: Unlimited until processes or conditions at site change.

5. STANDARDS:

- 1) Objectives for industrial waste control in Ontario;
- 2) Guidelines and Criteria for Water Quality Management in Ontario;
- 3) Interim effluent objectives for pulp and paper industries;
- 4) American Petroleum Institute Standards; and
- 5) Mining objectives.

6. APPROVALS PROCESS:

- 1) Industry submits to IAS prior to construction:
 - a) An "Application for Approvals of Plans and Specifications for Construction of Works for the Collection, Transmission, Treatment and Disposal of Liquid Industrial Wastes";
 - b) A Report is prepared by the company or its consultant based on past performance of similar facilities, or on design data obtained from pilot plant studies. The company may confer with the Industrial Approvals Section on the contents of the application; and
 - c) An Application should contain the general arrangement and detailed engineering drawings of the proposed facilities.
- 2) IAS reviews applications and prepares engineering assessment reports of the proposed treatment systems on satisfactory applications.

- 3) The criteria for a public hearing are stated in Sections 43 and 44, OWRA. Hearings are mandatory if sewage works are to extend across municipal boundaries and are held on an optional basis (for sewage treatment works within a municipality) where the Director feels it is in the public interest to hold such a hearing.
- 4) Under Section 8, EPA, the proponent must obtain approval for a new plant from IAS. Approval under Section 42, OWRA is applicable to any company that produces wastewater.
- 5) Approval for a single oil separator (gravity separation system) under Section 42, OWRA is handled by the Regional Offices.

7. INTER-RELATIONS: Inside MOE

- Regions
- Water Resources Branch
- Air Resources Branch
- Pollution Control Branch

Outside MOE

- Ministry of Natural Resources
- Federal Ministry of Transport (location of effluent pipe as potential effect of navigation)
- Ministry of Health

8. APPEALS: Appeals before the Environmental Appeal Board are initiated only by the applicant if dissatisfied with the conditions of an approval or a refusal.

E N V I R O N M E N T A L A P P R O V A L S B R A N C H

Industrial Approvals Section*

1. TYPE: Certificates of Approval covering construction and operation of any stationary facility or thing which may emit contaminants into the air.

NOTE: Does not include:

1. Normal farm operations,
2. Residential buildings with 3 or fewer families (except incinerators),
3. Routine maintenance,
4. Others as exempted by Regulation from time to time.

2. LEGISLATIVE AUTHORITY: EPA, Part II
Regulation 15

3. PURPOSE: To ensure that air pollution control methods and/or devices are employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment.

4. TIME VALID: Unlimited until operation or environmental conditions (e.g. surrounding land uses) change.

* Where an Air Certificate of Approval must be issued in conjunction with a sewage treatment plant either the Municipal and Private Approvals or the Design and Equipment Selection Section may issue the document.

5. STANDARDS:

- 1) Ambient air criteria listed in R.R.O. 15;
- 2) Point of Impingement Standards in Reg. 15;
- 3) Regulations covering specialized industries e.g. - asphalt paving plants, foundaries;
- 4) Guidelines published to cover specific facilities or operations that are not included under the formal Regulations;
- 5) Engineering guidelines listed in Reg. 15 - e.g. method of calculating point of impingement; and
- 6) Tentative Design Standards.

6. APPROVALS PROCESS:

- 1) Director required applicant to submit any plans, specifications and other information and to carry out and report on any tests or experiments relating to the plant, structure, equipment, apparatus, mechanism or thing or to the methods and devices to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment.
- 2) Application is reviewed by the Industrial Approvals Section.
- 3) Standards described in Regulation 15 are used for the approval of applications along with tentative design standards.

4) All applications are handled by the Industrial Approvals Section with the exception of:

- (a) Combustion devices operating at a capacity of less than 10 million BTU/hour; and
- (b) Applications dealing with Paint Spray Booths (single gun installation - rate not greater than 20 fl. oz./minute) which are handled by the Regional Offices.

7. INTER-RELATIONS: Inside MOE

- Industrial Abatement - Regions
- Pollution Control Branch
- Air Resources Branch

Outside MOE

- TEIGA re: general and specific land use regulations and planning
- Municipalities re: land use regulation or planning
- Federal Government re: meteorology
- Ministry of Health
- Ministry of Natural Resources
- Ministry of Labour

8. APPEALS: Conditions on Certificates of Approval or a denial are appealable by application to the Environmental Appeal Board.

E N V I R O N M E N T A L A P P R O V A L S B R A N C H

Industrial Approvals Section

1. TYPE:

- 1) Provisional Certificate of Approval covering industrial applications for land disposal sites and waste management systems.
- 2) Minister's approval to use abandoned disposal sites before 25 years. (Letter of Approval from Director.)

2. LEGISLATIVE AUTHORITY: EPA, Part V

Regulation 824

Regulation 152/73 (Deep Well Disposal)

3. PURPOSE: To ensure that the sites and systems used to collect, transport and dispose of hauled wastes (other than from septic or holding tanks) do not cause environmental degradation. This includes new sites and renewals.

4. TIME VALID: One to five year period depending on the site.

5. STANDARDS:

- 1) EPA, Part V;
- 2) Ontario Regulation 824;
- 3) Regulation 152/73 (Deep Well Disposal); and
- 4) Specific Guidelines set for review of applications for land disposal sites and waste management systems.

6. APPROVALS PROCESS:

- 1) Industrial applicant submits application for industrial land disposal sites and/or water management systems.
- 2) Application is reviewed by Industrial Approvals Section according to EPA and Regulations.
- 3) Final approval is granted by Director.

7. INTER-RELATIONS: Inside MOE

- Regional Offices
- Air Resources Branch
- Pollution Control Branch
- Environmental Appeal Board

Outside MOE

- OMB
- MNR
- TEIGA
- Municipalities
- Ministry of Health

8. APPEALS: Appeals to Environmental Appeal Board re: refusal or conditions of an approval by applicant only.
9. PUBLIC HEARINGS: An important aspect of the processing of applications for disposal sites is the consideration of holding public hearings. Section 33a(1) of The Environmental Protection Act stipulates the type of site for which it is mandatory to hold a public hearing.

Public hearings can also be held at the discretion of the Director on applications dealing with systems (Section 33c(1)).

E N V I R O N M E N T A L A P P R O V A L S B R A N C H

Design and Equipment Section

1. TYPE: Certificate of Approval for Waterworks.*
For purposes of this guide, it may be best to state that all waterworks require approval unless they are specifically exempted (see Exemptions - OWRA, Section 41(9)(a-d)).
2. LEGISLATIVE AUTHORITY: OWR, Section 41
No specific regulations
3. PURPOSE: To ensure that facilities for the collection, production, treatment, storage, supply and distribution of water will be sufficient to provide water in adequate quantity and quality.
4. TIME VALID: Indefinite.
5. STANDARDS: No regulations, but,
 - (a) Guidelines and Criteria for Water Quality Management in Ontario establishes source quality minimums;
 - (b) Generally accepted design principles for waterworks engineering;

* As an aside - If an industry finds that it cannot take water from a municipal network and finds it necessary to construct its own potable water supply system, then under Section 41, of The Ontario Water Resources Act, the industry must submit an application to the Industrial Approvals Section and receive a Certificate of Approval for the potable water treatment system.

- (c) A.W.W.A. Specifications and Manuals of Practice give design details;
- (d) Various procedural and design guidelines and MOE standard specifications; and
- (e) Ministry of the Environment Drinking Water Objectives.

6. APPROVALS PROCESS:

- 1) Design and Equipment Section reviews all design submissions received from consulting engineers from a sanitary (process and hydraulics), mechanical and electrical engineering points of view; co-ordinates and assesses technical reviews performed by other Ministry staff including Region or Regional municipality; and pre-selects major process equipment during final design.
- 2) See page 18 no. 3 for the criteria regarding public hearings.
- 3) Design and Equipment Section issues a Certificate of Approval if the design is satisfactory.

7. INTER-RELATIONS: Inside MOE

- Various other Sections of Environmental Approvals Branch
- Project Co-ordination Branch
- Water Resources Branch
- Pollution Control Branch
- Regions.

Outside MOE

- Ministry of Labour
- Natural Resources
- MTC
- TEIGA
- Regional Municipalities
- Consulting Engineers and Equipment Suppliers

8. APPEALS: Environmental Appeal Board - hears appeals initiated only by the applicant if dissatisfied with conditions of approval or a refusal.

E N V I R O N M E N T A L A P P R O V A L S B R A N C H

Design and Equipment Section*

1. TYPE: Certificates of Approval for sewage works.

For the purpose of this guide, it may be best to state that all sewage works require approval unless they are specifically exempted (see Exemptions - OWRA, Section 42(6)(a-f)).

2. LEGISLATIVE AUTHORITY: OWR, Section 42

No specific regulations

3. PURPOSE: To ensure that facilities used in sewage treatment protect and enhance the aquatic environment.

4. TIME VALID: Indefinite.

* As an aside - If an industry finds that it cannot dispose of its sanitary wastes to a municipal network and finds it necessary to construct its own sewage treatment facility, then under Section 42, of The Ontario Water Resources Act, the industry must submit an application to the Industrial Approvals Section and receive a Certificate of Approval for the sewage treatment system.

5. STANDARDS:

- 1) Guidelines and Criteria for Water Quality Management in Ontario are used virtually as a regulation in GO or NO-GO decisions and approvals;
- 2) Various Procedural and Design Guidelines and MOE Standard Specifications; and
- 3) MOE guidelines, specifications, standards, etc.

6. APPROVAL PROCESS:

- 1) Design and Equipment Section reviews all design submissions from a sanitary (process and hydraulics), mechanical and electrical engineering points of views; co-ordinates and assesses reviews performed by other Ministry staff including Region and Regional municipalities; and pre-selects major process equipment during final design.
- 2) Design and Equipment Section issues a Certificate of Approval if the design is satisfactory.

7. INTER-RELATIONS: Same as Waterworks (see page 26).

8. APPEALS: To the Environmental Appeal Board.

E N V I R O N M E N T A L A P P R O V A L S B R A N C H

Municipal and Private Approvals Section

1. TYPE: Licences for installers of septic tanks and tile fields and for the storage, hauling or disposing of sewage from a sewage system.

Class 1 - constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems.

Class 2 - storing, hauling or disposing of sewage from a sewage system.

2. LEGISLATIVE AUTHORITY: EPA, Section 61
3. PURPOSE: To prevent potential environmental problems associated with the installation and operation or private sewage disposal systems and hauling, etc. of "pump-out" from same by:

ensuring through licencing that those engaged in the above are qualified, competent, and equipped to do so, in accordance with regulations.
4. TIME VALID: 1 year (an application for renewal must be made at least 30 days prior to the expiry of the licence: see S.61(5) of the EPA). As an aside, there is a possibility that a licence will be revoked or suspended in accordance with S.61(3) of the EPA.

5. STANDARDS: None.

6. APPROVAL PROCESS:

- 1) The application form is obtained from the Regional District Office by the applicant.
- 2) Applicant is required to fill in the application form in addition to supplying 2 letters of reference, a description of the area of operation and an equipment list.
- 3) All material is reviewed by the Municipal and Private Approvals Section.

7. INTER-RELATIONS: Inside MOE

- Legal Department
- District Offices

Outside MOE

- Ministry of Health
- Health Units with Agreements under Part VII, EPA, 1971

8. APPEALS: EPA, Section 78(2).

E N V I R O N M E N T A L A P P R O V A L S B R A N C H

Municipal and Private Approvals Section

1. TYPE:

Certificates of Approval for Waterworks.*

For the purpose of this guide, it may be best to state that all all waterworks require approval unless they are specifically exempted (see Exemptions - OWRA, Section 41(9)(a-d)).

2. LEGISLATIVE AUTHORITY: OWRA, Section 41

No specific regulations

3. PURPOSE: To ensure that facilities for the collection, production, treatment, supply and distribution of water will be sufficient to provide water in adequate quantity and quality.

4. TIME VALID: Indefinite.

5. STANDARDS: No regulations, but,

- (a) Guidelines and Criteria for Water Quality Management in Ontario establishes source quality minimums;
- (b) Generally accepted design principles for waterworks engineering;

* As an aside - If an industry finds that it cannot take water from a municipal network and finds it necessary to construct its own potable water supply system, then under Section 41, of The Ontario Water Resources Act, the industry must submit an application to the Industrial Approvals Section and receive a Certificate of Approval for the potable water treatment system.

- (c) A.W.W.A. specifications and manuals of practice give design details;
- (d) Various procedural and design guidelines and MOE standard specifications; and
- (e) Ministry of the Environment Drinking Water Objectives.

6. APPROVALS PROCESS:

- 1) Municipal and Private Approvals Section reviews the application.
- 2) Region is contacted to obtain their recommendation regarding approval by the Municipal and Private Approvals Section.
- 3) Municipal and Private Approvals issue the Certificate of Approval if the application is satisfactory.

7. INTER-RELATIONS: Inside MOE

- Water Resources Branch
- Pollution Control Branch
- Regions
- Environmental Assessment Board

Outside MOE

- TEIGA
- Ministry of Housing
- Ministry of Labour
- Ministry of Natural Resources
- Ministry of Transportation and Communications
- Municipalities
- Consultants
- Private Applicants
- OMB
- CMHC
- OHC

8. APPEALS: Environmental Appeal Board - hears appeals initiated only by the applicant if dissatisfied with conditions of the approval or a refusal.

E N V I R O N M E N T A L A P P R O V A L S B R A N C H

Municipal and Private Approvals Section

1. TYPE:

Certificates of Approval for Sewage Works.*

For the purpose of this guide, it may be best to state that all sewage works require approval unless they are specifically exempted (see Exemptions - OWRA, Section 42(6)(a-f)).

2. LEGISLATIVE AUTHORITY: OWRA, Section 42

No specific regulations

3. PURPOSE: To ensure that facilities used in sewage treatment, protect and enhance the aquatic environment.

4. TIME VALID: Indefinite.

5. STANDARDS:

- 1) Guidelines and Criteria for Water Quality Management in Ontario are used verbally as a regulation in GO or NO-GO decisions and approvals;
- 2) Various Procedural and Design Guidelines; and
- 3) MOE guidelines, specifications, standards, etc.

* As an aside - If an industry finds that it cannot dispose of its sanitary wastes to a municipal network and finds it necessary to construct its own sewage treatment facility, then under Section 42, of The Ontario Water Resources Act, the industry must submit an application to the Industrial Approvals Section and receive a Certificate of Approval for the sewage treatment system.

6. APPROVALS PROCESS:

- 1) Municipal and Private Approvals Section reviews the application.
- 2) Region is contacted to obtain their recommendation regarding approval by the Municipal and Private Approvals Section.
- 3) See page 18, no. 3 for the criteria regarding public hearings.
- 4) Municipal and Private Approvals issue the Certificate of Approval if the application is satisfactory.

7. INTER-RELATIONS: Inside MOE

- Region
- Water Resources Branch
- Environmental Approvals Branch
- Air Resources Branch
- Pollution Control Branch.

8. APPEALS: To the Environmental Appeal Board.

E N V I R O N M E N T A L A P P R O V A L S B R A N C H

Municipal and Private Approvals Section

1. TYPE: Certificates of Approval for Waste Disposal Sites and Waste Management Systems.
 - (A) Certificates of Approval:

This applies to sites or systems which are capable of or being operated in accordance with Part V, EPA and Reg. 824.
 - (B) Provisional Certificate of Approval:
 - (i) This was devised as a transitional mechanism to allow the temporary operation of sites or systems not yet up to standards;
 - (ii) It is used in place of the Certificate of Approval under inoperative Sections 34, 36 (bonding), and 45, EPA, which provides for compensation in the event of a revocation of approval (i.e. site problems that cause irresolvable pollution, etc.).
 - (C) Minister's approval to use abandoned waste disposal sites (Section 46, EPA) for a period up to 25 years after closing of site).
2. LEGISLATIVE AUTHORITY: EPA, Part II (Air)
EPA, Part V (Solid Waste Management)
Ontario Regulation 824
3. PURPOSE: To provide for the protection and conservation of the natural environment and to regulate the management of solid waste.

4. TIME VALID:

- 1) Certificate of Approval for a waste disposal site or waste management system or a renewal thereof expires one year after the date upon which the certificate or renewal is issued.
- 2) Provisional Certificate of Approval is issued for any period of time, depending on the date shown on the Provisional Certificate of Approval.

5. STANDARDS: EPA, Part V

Ontario Regulation 824

Applications are reviewed on the basis of:

- economic feasibility,
- technically satisfactory,
- traffic,
- isolation distances, etc.

6. APPROVALS PROCESS:

- 1) Recommendation from Regional Office made to the Municipal and Private Approvals Section.
- 2) The Waste Management Approvals Unit, Municipal and Private Approvals reviews applications for waste disposal sites and waste management systems and makes recommendations to the

Director, Environmental Approvals Branch. Under Section 32, EPA, no by-law for raising money to finance any work for a waste management system or a waste disposal site shall be issued by the Council of a municipality until a Certificate of Approval or a Provisional Certificate of Approval has been issued and the conditions set out in the certificate have been understood.

7. INTER-RELATIONS: Inside MOE

- Water Resources Branch
- Air Resources Branch
- Pollution Control Branch
- Legal Branch
- Environmental Assessment Board
- Environmental Appeal Board
- District Offices

Outside MOE

- TEIGA
- Municipalities
- MNR
- OMAF
- Ministry of Health

8. TYPES OF WASTE MANAGEMENT SYSTEMS:

Waste Management Systems are classified as follows:

- 1) Municipal Waste Management Systems;
- 2) Private Waste Management Systems;
- 3) Individual Collection Systems;
- 4) Hauled Liquid and Hazardous Waste Collection Systems; and
- 5) Marine Craft Waste Disposal Systems.

(NOTE: Individual Collection Systems and Marine Craft Disposal Systems are exempted from the EPA and Reg. 824.)

WASTE DISPOSAL SITE REQUIREMENTS

- a) Waste disposal sites are defined to include any land or land covered by water, upon, into, in or through which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for its treatment and disposal. Waste disposal sites are classified as follows:

- i) Dumps,
- ii) Grinding Sites,
- iii) Composting Sites,
- iv) Incineration Sites,
- v) Landfilling Sites,
- vi) On-Site Incinerators,
- vii) On-Site Garbage Grinders,
- viii) Packing and Baling Sites,
- ix) Transfer Stations,
- x) Derelict Motor Vehicle Site,
- xi) Organic Soil Conditioning Sites; and

(NOTE: On-Site Incinerators and On-Site Garbage Grinders are exempted from the Act and Regulations)

- b) Municipalities, corporations, individuals and Provincial Government agencies must all obtain a certificate before establishing or operating a garbage collection system, most types of incinerators, a landfill site, dump or any other waste disposal site or waste management system of the type requiring such an approval.

9. APPEALS: Director may refuse to issue approval:

- (a) Where the waste management system of the waste disposal site does not comply with the Act or Regulations; and
- (b) Where the Director considers, upon probable ground, that the use, establishment, operation, alteration, enlargement, or extension of a waste management system or a waste disposal site may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person.

10. PUBLIC HEARINGS:

- (a) A public hearing is mandatory where the nature and quantity of the waste for a waste disposal site is the equivalent of the domestic waste of not less than 1,500 persons;
- (b) The Director may request a hearing under Section 33(c), EPA where he receives an application for a Certificate of Approval for the use, operation, establishment, alteration, extension or enlargement of:
 - i) a waste management system that does not include a waste disposal site referred to in Section 33(a); or
 - ii) a waste disposal site other than a waste disposal site referred to in Section 33(a); and
- (c) Under Section 33(b), EPA, the Director may waive a public hearing where an emergency situation exists which would be alleviated by the use, operation, establishment, alteration, extension or enlargement of a waste disposal site.

P O L L U T I O N C O N T R O L B R A N C H

Pesticides Control Section

1. TYPE: Permits for Pesticide Control:
 1. Permit to use schedule 1 substance (only to licensed exterminator).
 2. Permit to exterminate from airborne machine (using schedule 1 or 5 pesticide or schedule 2 pesticide containing a hormone type herbicide) to a licensed exterminator only.
 3. Permit to purchase and use (use of material for which he is not licensed (licensed exterminator and other applicants).
 4. Permit to use an imported, unregistered pesticide.
 5. Permit to use a pesticide containing Methyl Bromide, Aluminum Phosphide or Cyanide compounds.
 6. Permit to perform a water extermination.
2. LEGISLATIVE AUTHORITY: Pesticides Act, 1973
Regulation 618/74
3. PURPOSE:
 - (a) To allow detailed control of crucial pesticide applications.
 - (b) To allow for flexibility of control to suit a particular situation.
4. TIME VALID: Expires upon completion of an extermination or after a date given on the permit.

5. STANDARDS: Pesticides Act, 1973 and Regulation 618/74.

Instruction and guidelines are published for some permits outlining dosages, application techniques for various types of chemicals. Permit is conditional and tailored for a given situation.

6. APPROVALS PROCESS:

1) Tailored for each situation - often involves inspection of situation by field staff.

2) Aquatic Permits are reviewed and forwarded to Ministry of Natural Resources for comment.

7. INTER-RELATIONS: Inside MOE

- Ontario Pesticide Advisory Committee:
 - classified pesticides into 1 of 5 schedules
 - provides input on problem areas

Outside MOE

- Canada Department of Agriculture:
 - registration of material under Pest Control Products Act
 - technical information on chemistry
- Ministry of Natural Resources - Aquatic Permits
- Ministry of Health - toxicity data; standards setting
- Ontario Ministry of Agriculture and Food - technical input on residuals, etc.

8. APPEALS: To the Pesticides Appeal Board.

P O L L U T I O N C O N T R O L B R A N C H

Pesticides Control Section

1. TYPE: Licences for Pesticides Control
 - 1) Operator (Business) - Licence to a company or an individual to operate an extermination business.
 - 2) Exterminators (individuals) - 3 types of licenses issued:
 - i) Structural - (6 classes by types of pesticides & use);
 - ii) Land - (10 classes by types of pesticides & use);
 - iii) Water - (3 classes by types of pesticides & use).
 - 3) Retail Vendors - (3 types depending on schedule of pesticide being sold).
 - 4) Wholesale Vendors - (2 types depending on schedule of pesticide being sold).
2. LEGISLATIVE AUTHORITY: Pesticides Act, 1973 and
Regulation 618/74
3. PURPOSE: To ensure that professional exterminators working in Ontario are competent to handle the pesticide.
4. TIME VALID: 1 year - all licences expire February 15th.
5. STANDARDS:
 - 1) Must meet criteria outlined in Pesticides Act, 1973 and Regulation 618/74;
 - 2) Examinations - Operators (oral);
- Others (written and/or oral); and
 - 3) Compliance with the Act and Regulations.

6. APPROVAL PROCESS:

1) Examination taken at various locations throughout the Province.

2) Renewals handled by Head Office staff, Pesticides Control Section.

7. INTER-RELATIONSHIPS: - None.

8. APPEALS: To the Pesticides Appeal Board.

POLLUTION CONTROL BRANCH

Pesticides Control Section

1. TYPE: Permit for Aquatic Nuisance Control.
2. LEGISLATIVE AUTHORITY: Pesticides Act, 1973 4(1), 6(2) and
Regulation 618/74
3. PURPOSE: To comply with the above-stated legislation requiring
that permits be issued by the Ministry prior to the use of toxic
materials in the water for the purposes of controlling or
affecting aquatic life.
4. TIME VALID: A permit authorizes treatment(s) during a specified
time period. To repeat treatment(s), the applicant must make
another application to the Ministry.
5. STANDARDS: Regulation 618/74
6. APPROVALS PROCESS:
 - 1) An application for Permit to Perform a Water Extermination
is obtained from the Regional Offices of the Ministries of
Natural Resources or Environment.

- 2) The form is completed and sent to the Pesticides Control Section of the Ministry of the Environment for review.
- 3) A letter plus a copy of the original application are forwarded to the local office of the Ministry of Natural Resources for comment.
- 4) Ministry of Natural Resources personnel accept or reject the proposal on the basis of potential impact on local fisheries and wildlife. Their decision is returned to the Pesticides Control Section.
- 5) If the proposed treatment is acceptable to both Ministries, the application is assigned a permit number and signed by the Director before returning to the applicant.
- 6) If refused, reasons are documented and sent to the applicant with copies to files of both Ministries.

7. INTER-RELATIONSHIPS: Inside MOE

- Ontario Pesticides Advisory Committee

Outside MOE

- MNR
- Ministry of Health
- Ontario Ministry of Agriculture and Food
- Canada Department of Agriculture.

8. APPEALS: To the Pesticides Appeal Board.

P O L L U T I O N C O N T R O L B R A N C H

Municipal and Private Section

Private Sewage Unit

1. TYPE: Certificates of Approval for the construction of a private sewage disposal system or its alteration or enlargement.

Section 57 of The Environmental Protection Act states:

"No person shall construct, install, enlarge, extend or alter:

- (a) any building or structure in connection with which a sewage system will be used if the use of the building or structure so constructed, installed, established, enlarged, extended or altered will or is likely to affect the operation or effectiveness of the sewage system; or
- (b) any sewage system, unless a Certificate of Approval for the construction, installation, establishment, enlargement, extension or alteration of the sewage system has first been issued by the Director".

2. LEGISLATIVE AUTHORITY: EPA, Section 57

Ontario Regulation 229/74

Regulation 229/74 classifies private sewage systems as follows:

- Class 1 - disposal of human body wastes only, e.g. chemical toilets.
- Class 2 - leaching pit used only for disposal of sewage other than human body wastes (i.e. sink wastes, etc.).
- Class 3 - cesspool (disposal of contents from a cl. 1 system or effluent from a leaching bed which was in use prior to Reg. 229/74.
- Class 4 - consists of septic tank and leaching bed.

Class 5 - consists of holding tanks for storage or retention of sewage.

Class 6 - consists of proprietary aerobic sewage treatment plant.

Class 2 - 6 systems require a Certificate of Approval, a Class 1 system is exempted, however, the standards of construction in the Regulations and Guidelines apply.

3. PURPOSE: To ensure that newly-constructed private sewage systems are constructed or established in accordance with the conditions of the Certificate of Approval, The Environmental Protection Act and the Regulations.
4. TIME VALID: up to 1 year - extensions are possible.
5. STANDARDS:
 - 1) Policy and Procedures Manuals and Guidelines for each Class sewage system are provided by the Private Sewage Unit, Pollution Control Branch, MOE to assist the local Health Units and the Ministry of the Environment offices in processing the applications.
 - 2) An Advisory Committee on Private Sewage Disposal Systems has been established to advise the Ministry, as required, on private sewage disposal matters covered by Part VII of the EPA.

6. APPROVALS PROCESS:

- 1) The Ministry of the Environment, through a contract agreement, gives the local Health Units the authority to issue applications and Certificates of Approval for the installation of private sewage disposal sites.
- 2) The applicant completes and returns the application form with fee to the local Health Unit.
- 3) The land and the works are inspected by the Health Unit; the Director issues the Certificate of Approval.
- 4) In the Districts of Parry Sound and Muskoka, application is made to the District Offices of the Ministry of the Environment, and the Certificate of Approval is issued from that office. Many Health Units under an amendment to their agreements now have authority to issue a Certificate of Approval for Class 6 systems.
- 5) Before a sewage system, other than a Class 1, can be operated, a Use Permit must be obtained from the local Health Unit. The site will be inspected and if the works meet the regulatory standards and the terms and conditions of the Certificate of Approval, the Health Unit will issue the Use Permit.

7. INTER-RELATIONS:

- 1) The Ministry of the Environment enters into an agreement with the local Health Unit and/or Northern Health Services (in the case of unorganized territory) on the issuance of Certificates of Approval for private sewage systems. In the Parry Sound and Muskoka area, the Ministry of the Environment's Regional Offices issue the Certificate of Approval for private sewage systems.
- 2) The Ministry of the Environment (Private Sewage Units, Pollution Control Branch) act in a consulting and advisory capacity to the Health Units and Regional Offices. The Ministry of the Environment also aids in follow-up monitoring programs for the private sewage systems.
- 3) Advisory Committee on Private Sewage Disposal Systems may also be consulted.

8. APPEALS: Under Section 78 of the EPA, an applicant has the right to appeal a decision where a Certificate of Approval or a Use Permit is refused by a Director or is issued conditionally, and the Director must advise the applicant, in writing, of the reasons for the refusal of the imposition of conditions. Notice of appeal must be served on the Director and on the Environmental Appeal Board.

W A T E R R E S O U R C E S B R A N C H

1. TYPE: Permits to Take Water.
 2. LEGISLATIVE AUTHORITY: OWRA, Section 37
Use conditions on each specific permit form for "taking".
 3. PURPOSE: To manage available water quantity (surface and ground) by allocating taking amongst competing uses, users and rights.
 4. TIME VALID:

<u>Surface Water Source</u>)	
- 5 years)	
)	or when owner or
<u>Groundwater Source</u>)	conditions change.
- 10 years)	
- Revocable for non-compliance with conditions.
- Subject to appeal to Environmental Appeal Board.
5. STANDARDS:
 - 1) General guidelines accompany instructions for making applications.
 - 2) Maintenance of a downstream flow and prevention of serious groundwater depletion.
 - 3) But, in tobacco area, guidelines have been refined and circulated and appear precise enough to be almost regulations.
 - 4) Applicable to any takings greater than 10,000 gallons/day (also takings of less than 10,000 gpd if required by the Minister).

(Exemptions: taking less than 10,000 gallons/day; domestic takings, watering of lawns, livestock, fire fighting. See "Information for Applicant for Permit to Take Water" for specific details.)

6. APPROVALS PROCESS:

- 1) Region implements and carried out permit system.
- 2) Head Office ensures uniform application of permit policies and co-ordinates the development of policy for water taking on request by the Region.

7. INTER-RELATIONS: Inside MOE

- Environmental Approvals Branch

Outside MOE

- MNR - dam construction
- hydrostatic testing of pipeline

8. APPEALS: To Environmental Appeal Board on:

- cancellation;
- amendment of terms and conditions;
- refusal to issue.

(ONLY by applicants action.)

W A T E R R E S O U R C E S B R A N C H

1. TYPE: Licences for Water Well Drillers and Borers.
2. LEGISLATIVE AUTHORITY: OWRA, Section 40
OWRA, Section 62
Regulation 648-70
3. PURPOSE: To regulate water well contract drilling industry with the purpose of achieving adequate well construction practices to ensure the quality and protection of groundwater environment and allow for the proper collection of adequate hydrogeologic data.
4. TIME VALID: 1 year - January 1 - December 31.
All renewals handled at same time.
5. STANDARDS:
 - 1) Qualifications set in Regulations 648-70; OWRA, Section 40;
 - 2) Attested 2 year drilling experience; \$10.00 fee;
 - 3) Standards periodically reviewed and updated by Branch in consultation with the "Industry".
6. APPROVALS PROCESS:
 - 1) Approval given by Water Resources Branch.

- 2) Water Well records are submitted to Water Resources Branch to co-ordinate record processing including well inspections in the field by the Regions.

7. INTER-RELATIONS: Inside Water Resources Branch and Regional Offices.

8. APPEALS:

- 1) Licence may be refused or not renewed.
- 2) Licence may be suspended or cancelled for non-compliance with Regulations (subject to appeal before Environmental Appeal Board).

